

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Justin A. Volpe,

Case No. 23-CV-761 (JMB/DJF)

Petitioner,

v.

**ORDER ON REPORT AND
RECOMMENDATION**

Warden Thomas,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Dulce J. Foster dated January 22, 2024. (Doc. No. 10.) The R&R recommends that Petitioner Justin A. Volpe’s petition for a writ of habeas corpus under 28 U.S.C. § 2241 be dismissed because Volpe’s contentions that the Bureau of Prisons wrongly calculated his First Step Act time credits were rendered moot by his release from custody. (*See* Doc. No. 1.) Volpe did not file any objections to the R&R and the time to do so has passed. *See* D. Minn. L.R. 72.2(b)(1).

This Court reviews de novo any portion of an R&R to which specific objections are made; however, in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); *see also Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review unobjected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, IT IS HEREBY ORDERED that:

1. The R&R (Doc. No. 10) is ADOPTED;
2. The Petition for a Writ of Habeas Corpus (Doc. No. 1) is DENIED; and
3. This matter is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 14, 2024

/s/Jeffrey M. Bryan
Judge Jeffrey M. Bryan
United States District Court